

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 07-00411-04-CR-W-HFS
)	
CHRISTOPHER TAYLOR,)	
)	
Defendant.)	

ORDER

Defendant has moved to dismiss Count II for a violation of the Brady rule, because a video record of certain activities was destroyed by the police, pursuant to a periodic destruction practice. Doc. 93. I have reviewed the record and briefing. A report and recommendation against dismissal (Doc. 168) has been received. Notice has been filed of non-opposition. Doc. 172. The report and recommendation is based on non-materiality, which I conclude is a sound rationale. For reasons stated by Judge Larsen, which I adopt, the motion to dismiss (Doc. 93) is hereby DENIED.

/s/ Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

March 23, 2009

Kansas City, Missouri